

109TH CONGRESS  
1ST SESSION

# H. R. 1403

To amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2005

Ms. KILPATRICK of Michigan (for herself, Ms. LEE, Ms. WOOLSEY, Mr. DEFAZIO, Mrs. NAPOLITANO, Mr. TOWNS, Ms. WATSON, Mr. McDERMOTT, Mr. PALLONE, and Mrs. MALONEY) introduced the following bill; which was referred to the Committee on Armed Services

---

## A BILL

To amend title 10, United States Code, to establish in the Department of Defense an Office of the Victim Advocate, to prescribe the functions of that office, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Department of Defense  
5       Office of the Victim Advocate Act of 2005”.

1 **SEC. 2. ESTABLISHMENT OF OFFICE OF THE VICTIM ADVOCATE IN DEPARTMENT OF DEFENSE.**

3 (a) ESTABLISHMENT.—Part II of subtitle A of title  
4 10, United States Code, is amended by adding at the end  
5 the following new chapter:

6 **“CHAPTER 90—OFFICE OF THE VICTIM**  
7 **ADVOCATE**

“Sec.

“1811. Office of the Victim Advocate: establishment; Director.

“1812. Office of the Victim Advocate: functions.

“1813. Annual report.

8 **“§ 1811. Office of the Victim Advocate: establishment;**  
9 **Director**

10 “(a) ESTABLISHMENT.—There is in the Office of the  
11 Secretary of Defense an Office of the Victim Advocate.  
12 The office shall have responsibility for coordination of pro-  
13 grams and activities of the military departments to the  
14 extent that they relate to victims of interpersonal violence  
15 among members of the armed forces or between members  
16 of the armed forces and family members and partners (in-  
17 cluding former spouses, children, significant others, chil-  
18 dren-in-common, girl friends, and boy friends.).

19 “(b) DIRECTOR.—The head of the Office is a Direc-  
20 tor.

21 “(c) VICTIM DEFINED.—In this chapter, the term  
22 ‘victim’ means a person who is the victim of sexual mis-  
23 conduct or interpersonal violence which—

1 “(1) in the case of a person who is a member  
2 of the armed forces, is carried out by another mem-  
3 ber of the armed forces or a family member or inti-  
4 mate partner; and

5 “(2) in the case of a person who is a not mem-  
6 ber of the armed forces, is carried out by a member  
7 of the armed forces who is a family member or inti-  
8 mate partner of that person.

9 **“§ 1812. Office of the Victim Advocate: functions**

10 “(a) COORDINATION FUNCTIONS.—The Director of  
11 the Office of the Victim Advocate shall carry out the fol-  
12 lowing coordination functions:

13 “(1) Coordinate programs and activities of the  
14 military departments relative to care, services, and  
15 treatment for victims.

16 “(2) Serve as headquarters program manager  
17 for the victim advocates and the victim service spe-  
18 cialists in the Department of Defense authorized by  
19 law.

20 “(3) Coordinate services for victims among mili-  
21 tary and civilian communities and provide guidance  
22 to victims in obtaining those services.

23 “(b) EVALUATION AND REVIEW FUNCTIONS.—The  
24 Director of the Office of the Victim Advocate shall carry  
25 out the following evaluation and review functions:

1           “(1) Evaluate the prevalence of interpersonal  
2           violence associated with members of the armed  
3           forces.

4           “(2) Evaluate the programs established by the  
5           military departments providing services to victims of  
6           interpersonal violence.

7           “(3) Evaluate the delivery of services by the  
8           military departments to victims of interpersonal vio-  
9           lence.

10          “(4) Review the facilities of the military depart-  
11          ments providing services to victims of interpersonal  
12          violence.

13          “(5) Review the hotline programs for victims of  
14          violence, including command and installation hot-  
15          lines, the National Domestic Violence Hotline, and  
16          the National Sexual Assault Hotline.

17          “(6) Review disciplinary actions taken against  
18          members of the armed forces who commit acts of  
19          interpersonal violence.

20          “(c) POLICY FUNCTIONS.—The Director of the Office  
21          of the Victim Advocate shall carry out the following policy  
22          functions:

23               “(1) Recommend to the Secretaries of the mili-  
24               tary departments policies, protocols, and programs  
25               to enhance services to victims.

1           “(2) Recommend changes to policies and proce-  
2           dures to address sexual misconduct and intimate  
3           partner violence.

4           “(3) Establish system accountability standards.

5           “(4) Develop protocols for accountability of  
6           commanders in response to incidents of violence.

7           “(5) Serve, or designate a person to serve, on  
8           any fatality review panel established by the Sec-  
9           retary of a military department under section 4061,  
10          6036, or 9061 of this title.

11          “(d) EDUCATION AND TRAINING FUNCTIONS.—The  
12          Director of the Office of the Victim Advocate shall carry  
13          out the following education and training functions:

14               “(1) Conduct education and training within the  
15               armed forces.

16               “(2) Conduct training and technical assistance  
17               (including programs referred to as Life Skills pro-  
18               gram) for commands, Family Advocacy Programs,  
19               victim witness assistance liaisons, commissions, med-  
20               ical personnel, and law enforcement, security forces,  
21               and the Judge Advocate General Corps.

22               “(3) Conduct programs of public education.

23          **“§ 1813. Annual report**

24               “(a) REPORT TO THE SECRETARY OF DEFENSE.—  
25          The Director of the Office of the Victim Advocate shall

1 submit to the Secretary of Defense an annual report con-  
 2 taining an assessment of the current state of affairs within  
 3 the military departments relative to interpersonal violence  
 4 and sexual misconduct. The report shall include proposed  
 5 initiatives to enhance the response of the military depart-  
 6 ments to interpersonal violence and sexual misconduct.

7 “(b) REPORT TO CONGRESS.—The Secretary of De-  
 8 fense shall transmit to Congress each report received from  
 9 the Director under subsection (a), together with the Sec-  
 10 retary’s comments thereon.”.

11 (b) CLERICAL AMENDMENTS.—The tables of chap-  
 12 ters at the beginning of subtitle A, and at the beginning  
 13 of part II of subtitle A, of such title are amended by in-  
 14 serting after the item relating to chapter 89 the following  
 15 new item:

“90. Office of the Victim Advocate ..... 1811”.

### 16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated for fiscal year  
 18 2005 for Operation and Maintenance, Defense-Wide, the  
 19 amount of \$10,000,000 to carry out the functions of the  
 20 Office of the Victim Advocate in the Department of De-  
 21 fense.

○